



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

PRESENT

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22298 of 2022

A.Antony Ragul @ Ragul

...Petitioner/Accused No.4

-vs-

State rep.by

The Inspector of Police,

Thoothukudi North Police Station,

Thoothukud, Thoothukudi District.

(in Cr.No.358 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.358 of 2022.

For Petitioner : Mr.N.Pragalathan, Advocate

For Respondent : Mr.T.Senthil Kumar

Additional Government Pleader

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act, 1985 in Crime No.358 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioner along with other accused were found in possession of 1.1 kg of kanja and on seeing the police, the petitioner and other accused ran away. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case based on the confession of the arrested accused. The learned Counsel for the petitioner would also submit that the petitioner is 19 years old and without prejudice to the defence, the petitioner is ready to make a donation for any welfare scheme.



4.The learned Additional Public Prosecutor would submit that the petitioner and other accused were found in possession of 1.1 kg of kanja and he would fairly concede that the petitioner has no previous case pending against him. He would oppose to grant anticipatory bail.

5.The petitioner shall pay a sum of Rs.3,000/- to the credit of Madurai Bench of High Court Advocates Association (MBHAA), A/c.No.496038755, IFSC Code:IDB000H40, Branch-High Court, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Principal Special District Court (For EC and NDPS Cases), Madurai.

6.Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7.On such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Principal Special District Court (For EC and NDPS Cases), Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousands only) with two sureties each for a like sum, one shall be either the father or mother of the petitioner, to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 05.30 p.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
16/12/2022

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/ TRUE COPY /

/12/2022

Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cmr

TO

1. THE PRINCIPAL SPECIAL DISTRICT JUDGE
(FOR EC AND NDPS CASES) MADURAI.
2. THE INSPECTOR OF POLICE,
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE, ADVOCATES ASSOCIATION
(MBHAA), MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRAGALATHAN.N Advocate SR.No.15088

ORDER
IN
CRL OP(MD) No.22298 of 2022
Date :16/12/2022

SP/SSS/SAR I/22/12/2022/3P/6C